

REMARKS

Favorable reconsideration of this application, as presently amended, is respectfully requested.

Claims 1-29 are pending in the present application. The specification was objected to for the reasons noted on page 2, paragraph 2 of the Office Action. Claims 1-29 were rejected under 35 USC 112, second paragraph, as being indefinite. Claims 1-29 were rejected under 35 USC 101 as being directed to non-statutory subject matter. Claims 1-21 were rejected under 35 USC 102(e) as being anticipated by Baum '741.

With reference to the objection to the specification, the specification has been amended with an eye toward correcting the informalities noted on page 2, paragraph 3 of the Office Action.

With reference to the rejection of claims 1-29 under 35 USC 112, second paragraph, the claims have been amended with an eye toward correcting the informalities noted on page 3, paragraph 4 of the Office Action.

Accordingly, claims 1-29 are believed to be in compliance with the requirements of 35 USC 112, second paragraph.

With reference to the rejection of claims 1-29 under 35 USC 101, the Examiner objects to the claims as showing a series of steps which do not recite sufficient structure. Reconsideration of this rejection is respectfully requested. Applicants note that the method claims are directed to a specific method of ordering digital imaging services using a structure such as a communication network. The method as set forth in the claims requires a location for selecting and viewing images such as a first image system, and a location for providing an image service such as a second image system. These claims set forth the invention in terms of the specific method utilized to order imaging services using a structure such the communication network and by using systems such as the first image system and the second image system. This is statutory subject matter under 35 USC 101, and it is further evidenced by issued claims in the patents cited on page 1 of the specification, such as U.S. Patent Nos. 5,666,215; 5,760,917 and 6,133, 985. The system claims clearly set forth specific structure for uploading images, transmitting images, previewing selected images, etc.

Therefore, claims 1-29 are in compliance with 35 USC 101.

Referring to the rejection of claims 1-29 under 35 USC 102(e) as being anticipated by Baum '741, the reference to Baum '741 is not believed to anticipate or make obvious the specific features required by the pending claims.

Claim 1 relates to a method of ordering a digital service over a communication network that comprises viewing and selecting at least one digital

image at a first image system; selecting a digital image service to be ordered and generating an image order request comprised of the at least one digital image and order information which are bundled into a single data file; selecting a second image system remote from the first image system for providing the digital image service; transmitting the image order request over the communication network from the first image system to the second image system; accessing the at least one digital image and the order information from the image order request at the second image system; and providing the requested digital image service through a common interface.

The reference to Baum relates to a method of distributing cards to a plurality of recipients, wherein at least one card having at least one uploaded image from a recipient image set can be printed. In the system of Baum, images can be uploaded via the internet to a photofinishing service. However, there does not appear to be a discussion in Baum with respect to the specifics of the interface between an order station and a lab system which provides the services requested by a customer. More specifically, the reference to Baum is not believed to show or suggest the specific method of claim 1, wherein a digital image service is ordered, and an image order request comprising at least one image and order information which are bundled into a single data file is generated; in combination with the claimed features of the second image system, the transmitting step and the step of providing the requested image through a common interface. These features are described on pages 7-8 of the specification.

Accordingly, the reference to Baum is not believed to anticipate or make obvious the specific features required by claim 1.

Claims 2-14 depend either directly or indirectly from claim 1 and set forth further unique features of the present invention which are also not believed to be shown or suggested in the reference to Baum. For example, these claims set forth further features of the step of providing a digital image serve as well as the transmission of the images. These claims also set forth features of the method of present invention wherein a storage size requirement is communicated with the image order request such as in claims 9-10. These features are not believed to be shown or suggested in the reference to Baum.

Claim 15 relates to a system for transmitting and accessing an image order request comprising at least one image and order information over a communication network. Claim 15 sets forth the elements for achieving the transfer of images over the communication network. For the reasons noted above with respect to claim 1, the reference to Baum is believed to show or suggest the features required by claim 15.

Claims 16-25 depend directly or indirectly from claim 15 and set forth further unique features of the present invention which are also not believed to be shown or suggested in the reference to Baum. For example, these claims set forth further features of the imaging service, the imaging product and the image capture device. These claims also set forth further features of the software program for transmitting and accessing the image order request over the communication network which are also not believed to be shown or suggested in the reference to Baum.

Claim 26 relates to a method for ordering a digital product which requires a fulfillment system that determines whether a storage size requirement of an order is available on the fulfillment system, and reserving a storage size if the storage space is found to be available. Claim 26 further requires communicating the results of this determination to a client and in response to the communication of the result of this determination, communicating the order along with an order identifier if the storage space is available. This combination of features as required by claim 26 is not believed to be shown or suggested in the reference to Baum.

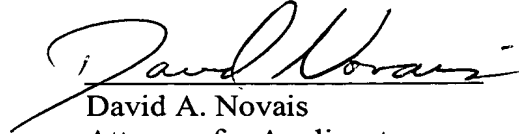
Claims 27-28 depend from claim 26 and set forth further unique features of the present invention which are also not believed to be shown or suggested in the reference to Baum.

Claim 29 relates to a method of ordering a digital product which requires a fulfillment system that verifies information about a user, generates an order identifier, and communicates the order identifier to a client in response to a request. The fulfillment system further transmits a list of available products to a client and the client transmits an image order request to the fulfillment system for at least one of their products available from the list of available products. This combination of features as required by claim 29 is not believed to be shown or suggested in the reference to Baum.

Accordingly, the reference to Baum is not believed to anticipate or make obvious the specific features required by claims 1-29.

In view of the foregoing comments, it is submitted that the inventions defined by each of claims 1-29 are patentable, and a favorable reconsideration of this application is therefore requested.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "David Novais", is written over a horizontal line.

David A. Novais
Attorney for Applicants
Registration No. 33,324

DAN/ld
Rochester, NY 14650
Telephone: (585) 588-2727
Facsimile: (585) 477-1148